

§ 3003.8

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(c) A request for amendment shall contain an exact description of the item or items sought to be amended and specific reasons for the requested amendment.

§ 3003.8 Agency review of request for correction or amendment of record.

(a) Within 10 days (excluding Saturdays, Sundays, and legal holidays) after receipt of a request to amend a record, the Chief Administrative Officer shall transmit to the requester a written acknowledgment of receipt of the request. Such an acknowledgment may, if necessary, request any additional information needed to make a determination on the request. No acknowledgment is required if the request can be reviewed, processed, and the individual notified of compliance or denial within the ten-day period.

(b) The Chief Administrative Officer shall promptly review the record upon receipt of a request for amendment thereof.

(c) If the Chief Administrative Officer determines that the requested amendment is appropriate to insure that the record is:

(1) Relevant and necessary to accomplish the purposes of chapter 36 of title 39, U.S.C.; and

(2) As accurate, timely and complete as is reasonably necessary to assure fairness to the requester, the Chief Administrative Officer shall:

- (i) Change the record accordingly;
- (ii) Advise the requester that the change has been made and transmit a copy of the revision to him or her; and
- (iii) After an accounting of disclosures has been kept pursuant to 5 U.S.C. 552a(c), advise all previous recipients of the record of the fact that the amendment was made and the substance of the amendment.

(d) If, after review of the record, the Chief Administrative Officer determines that the requested amendment is not in conformity with the requirements of the Act, he shall:

(1) Advise the requester in writing of such determination, together with the specific reasons therefor; and

(2) Inform the requester that further review of the request by the Chairman of the Commission is available if a written request therefor is made.

§ 3003.9 Appeal of initial adverse agency determination on correction or amendment.

(a) Within 30 days (excluding Saturdays, Sundays, and legal holidays) of receipt of a written request for review pursuant to § 3003.8(d)(2), the Chairman shall make an independent review of the record, using the criteria of § 3003.8(c) (1) and (2). If the Chairman determines that the record should be amended in accordance with the request, the Chief Administrative Officer shall:

- (1) Change the record accordingly;
- (2) Advise the requester that the change has been made; and

(3) After an accounting of disclosures has been kept pursuant to 5 U.S.C. 552a(c), advise all previous recipients of the record of the fact that the amendment was made and the substance of the amendment.

(b) If the Chairman, after independent review, determines that the record should not be amended in accordance with the request, the Chief Administrative Officer shall advise the requester:

(1) Of the determination and the reasons therefor;

(2) Of his or her right to file with the Chief Administrative Officer a concise statement of his or her reasons for disagreeing with the refusal to amend the record;

(3) That the record will be annotated to indicate to anyone subsequently having access to it that a statement of disagreement has been filed, and that the statement will be made available to anyone to whom the record is disclosed;

(4) That the Chairman and the Chief Administrative Officer may, in their discretion, include a brief summary of their reasons for refusing to amend the record whenever such disclosure is made;

(5) That any prior recipients of the disputed record will be sent a copy of the statement of disagreement, after an accounting of disclosures has been kept pursuant to 5 U.S.C. 552a(c);

(6) Of his or her right to seek judicial review of the refusal to amend the record, pursuant to 5 U.S.C. 552a(g)(1)(A).